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## **Victimological aspects of reporting and not reporting crimes**

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# Victimological Aspects of Reporting and Not Reporting Crimes: A General Overview

By Marc Groenhuijsen

## Introduction

It is a pleasure and a privilege to write a contribution to the *Festschrift* in honor of John Dussich. I have known Dr. Dussich since 1988, when we first met at the tri-annual WSV International Symposium on Victimology, then held in Jerusalem, Israel. I will never forget his performance during that symposium. Even though he had just gone through a terrible tragedy in his private life, his demeanor can only be described as resilient, energetic, strong and dedicated to his cause. During the many years that have elapsed since, this impression has only been confirmed and deepened. We developed a close working relationship within the World Society of Victimology, which gradually turned into genuine personal friendship. I am grateful for the rewarding nature of our relationship. John has always demonstrated a remarkable skill at offering his services to the WSV. He has served on its Executive Committee for many, many years and in different capacities. He used to be secretary-general, president and he is currently the chairman of the UN Liaison Committee, a demanding and time-consuming position. He has executed all of these duties with the kind of discipline that reflects his military background. He is predictable, accurate and fast. Send him an e-mail, and you can be assured of having a reply message within hours rather than within days. As an academic, he is best known to me as the director of TIVI at Tokiwa University in Mito, Japan. From that home base, he organizes the annual Asian Post-Graduate Course in Victimology. Compared to other similar events, this course stands out because of its systematic coverage of all key issues in victimology. I was fortunate enough to have lectured in this course quite a few times. The last presentation I was invited to make was on the topic of reporting crime from a victimological perspective. Because John, being the course director, apparently was interested in the subject, I choose this as the focal item of my contribution to the *Festschrift* in his honor.

## VICTIMOLOGICAL ASPECTS OF REPORTING AND NOT REPORTING CRIMES

First, I will contextualize the issue of reporting rates and their significance (section 2). Next, some facts and figures will be presented (section 3). This will be followed by discussion of some underlying causes and implications (section 4). And finally, some conclusions will be drawn and recommendations made (section 5).

### Contextualizing the Issue

To be able to contextualize reporting rates from a victimological perspective, it is inevitable to hint at the core business of mainstream victimological research. Victimology aims at determining the nature and prevalence of criminal victimization, the negative impact of these crimes on the victims, the needs victims have after the crime has occurred, and on ways and means to limit the negative consequences of crime as much as possible (Kirchhoff, 2005). In this research, much attention is being paid to the criminal justice system in at least two ways. Researchers try to uncover how it can be avoided that contacts with the agencies running the justice system will unintentionally lead to additional harm to the victims (secondary victimization). And vice versa, much efforts have been made to establish how the criminal justice system itself can contribute to empowerment of victims and to incorporate restorative elements into the system that can reduce the harm caused by crime (Pemberton, 2010). This approach relies to a large extent on awarding substantive and procedural rights to victims. If we analyse the nature of these rights, it quickly becomes apparent that most of these rights are either directly or indirectly connected to the expectation that there is going to be a trial where a court will decide on guilt or innocence of a defendant and in the former case on the sentence to be imposed. This is prominently visible in most international legal instruments dealing with victims (Groenhuijsen & Letschert, 2012; Groenhuijsen, 2014); it is no less dominant in domestic jurisdictions. Typical examples are constituted by the right to be informed about the decision of the prosecutor (not) to prosecute and about the time and location of the court hearings; the emphasis on protection of the physical and psychological integrity of the victim when he has to testify as a witness in court; and the various rights to participation during trial, such as legal assistance, interpretation of a foreign language and—of particular relevance in many countries—the right to give a victim impact statement (Erez, 1994, 2004; Lens, Pemberton & Groenhuijsen, 2010).

It is probably not an overstatement to claim that victimologists with an interest in the legal system have devoted a relatively large part of their time and publications on this kind of provision. In actual fact, we probably have to conclude that too much of their research has been focused on this type of rights. The justification for this robust assertion is that for a large majority of victims these rights are

useless as well as irrelevant as "attrition."

This can be illustrated by a traditional serious crime that range from invasion. Hence, an international improving the quality cases. Since 1999, a improving investigation to make use of their This also occurred in that this would result this is not what happens number of police reports in a court of law the United Kingdom a meta-analysis of and concluded that (2008). According to will proceed to the eventually lead to mere 14% of factu science to compute dealt with in the v

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### Facts and Figures

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useless as well as irrelevant. This is caused by a phenomenon we usually refer to as "attrition."

This can be illustrated by an example. Without doubt, rape is a prototype of a traditional serious crime. This felony usually has consequences for the victim that range from invasive to traumatic. Society at large has acknowledged this. Hence, an international trend can be identified to initiate policy measures aimed at improving the quality of police involvement in and prosecutors' handling of rape cases. Since 1999, a large number of jurisdictions have issued protocols aimed at improving investigation techniques and providing better advice to victims on how to make use of their rights within the framework of the criminal justice system. This also occurred in my own country, the Netherlands. One would have expected that this would result in more convictions, at least percentage-wise. However, this is not what happened. It turned out that the new policies led to an increased number of police reports of rape cases, but also to a decreased number of convictions in a court of law. And this is not typical only for the Netherlands (see on the United Kingdom: Kelly, Lovett & Regan, 2005). Daley and Bouhours did a meta-analysis of no less than 75 empirical studies in five different countries and concluded that the situation has deteriorated everywhere (Daly & Bouhours, 2008). According to their findings, only 30% of rape cases reported to the police will proceed to the prosecutor. Out of these cases, an average of 10% to 12% will eventually lead to a conviction by the court. If we further take into account that a mere 14% of factual rapes are being reported to the police, it does not take rocket science to compute that only a tiny proportion of these serious sexual offences is dealt with in the way that the legislators and the policy makers had in mind.

The preceding observations bring me to the first interim conclusion. It reads that from the point of view of victims the willingness to report crime to the police is to be considered as an issue of access to justice. Textbooks on victimology usually do point out that most victims will not meet with any other authority or agency within the criminal justice system but the police (Shoham, Knepper & Kett, 2010). However, this underexposes the crucial fact that a much larger group does not even reach this initial or preliminary stage of criminal proceedings. These circumstances constitute the background of any treatise on reporting behavior. Serious crime is to be considered as a violation of human rights of the victim. On that basis, the victim should be able to claim an "effective remedy" within obtaining systems of criminal justice.

### **Facts and Figures—Some Examples**

Sometimes a casual reference to a popular literary source is more telling than a large number of quotations from learned scholarly works. Probably the most frequently read numbers of the past couple of years are those written by Stieg

## VICTIMOLOGICAL ASPECTS OF REPORTING AND NOT REPORTING CRIMES

Larsson in the first volume of his—by now legendary—millennium trilogy (Larsson, 2008, p. 415). The author first notifies us of the huge numbers and high percentages of females in Sweden who have been threatened by males, subjected to violence and fallen victim to more serious forms of sexual abuse. Then he presents his diagnosis as a bombshell: “92% of women in Sweden who have been subjected to sexual assault have NOT reported the most recent violent incident to the police.” Yes, 92%.

In an academic article, it would be wrong to solely rely on anecdotal evidence. So I will cite some numbers from more reliable sources. However, I have to include a disclaimer. The literature on this topic is vast. It would serve no reasonable purpose to try to summarize the main body of knowledge about reporting rates. I have deliberately titled this contribution as a “general overview” of the issue (content-wise like Groenhuijsen, 2011). Therefore, I will only mention a few selected data, which enables us to build on when further developing a victimological perspective on the meaning and implications of reporting crime to the authorities.

Allow me to use the Netherlands again as the starting point of my argument. According to the Dutch Security Monitor 2009, 27% of all committed crimes were reported to the police (the numbers are virtually identical to those of 2008). Approximately one in 10 reports was done through the Internet. A little less than half of the property crimes are brought to the attention of the police (44%). Way above average are reports of car theft (89%) and burglary in homes (77%). No doubt this can be explained by insurance reasons. Below average are attempted burglaries (34%) and simple theft (24%). Vandalism is reported in 17% of instances. In cases of violent crime, the proportions are significantly lower. All in all, a mere 12% is brought to the attention of the police. Assault scores 36%, threats are reported in 11% of the cases and sexual offences are at the bottom with a mere 3% (sic!). As an interesting detail, I note that theft from a car and bicycle theft are the crimes that are reported most frequently through the Internet.

These figures and numbers generally speaking are similar to the corresponding statistics in other jurisdictions. The most authoritative and general source in this area—the International Crime Victim Survey—shows that data from 70 countries reveal that 70% of serious cases of domestic violence were not reported to the police. I could go on and on, which would not be useful. The pattern is clear. So instead of pointing out even more numbers, I will now come to my second interim conclusion, which is that a large majority of crimes are not reported to the police. The next question that presents itself is why the victims of these crimes do not turn to the law enforcement authorities.

## Discussion of Under

What are the root reporting a crime some strated over and over is that the victim do Goudriaan, Wittebro important.” Factors ( the size of damages to be noticed that th rate in cases of sexu often have dramatic have to be different many victims state they do not expect t performance. Alter consider the offen part of a conflict in “offender” is a far do not regard the c lems. Similarly, v with the perpetrato considered to be r the victim is afrai not reporting is p ship between the ther disrupting in types of sexual c negative impact reporting. If con police, even as a vered into a defe

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### Discussion of Underlying Causes and Implications

What are the root and approximate causes—and the implications—of not reporting a crime someone has suffered from? Criminological research has demonstrated over and over again that the most frequently cited reason for not reporting is that the victim does not feel the case is serious enough (among many others: Goudriaan, Wittebrood & Nieuwebeerta, 2004). People tend to say: "It wasn't that important." Factors determining the seriousness of the crime are physical injuries, the size of damages and the use of a weapon. From a victim's perspective, it has to be noticed that this enumeration hardly explains the worrisome low reporting rate in cases of sexual crime, because it is obvious that precisely these violations often have dramatic physical and emotional impact. So for these crimes, there have to be different explanatory variables. As a second reason for not reporting, many victims state that it would not help solve their problems. In other words: they do not expect the police to take action. A typical instance of mistrust in police performance. Alternatively, reports will not be made if the victim does not really consider the offence as a police matter. This often occurs when the incident is part of a conflict in the private sphere or in a professional environment. When the "offender" is a family member or a close colleague at work, many victims just do not regard the criminal justice system as the optimum solution for their problems. Similarly, victims will not report if they feel that the underlying conflict with the perpetrator has already been settled. Any government interference is then considered to be redundant. The situation is completely the opposite if and when the victim is afraid of intimidation or retaliation by the offender. This motive for not reporting is particularly relevant in situations where there is a prior relationship between the victim and the perpetrator. Fear for retaliation—and fearing further disrupting intimate relationships—is easily decisive for not reporting certain types of sexual crime. Finally, criminological research frequently refers to the negative impact on the status of (illegal) immigrants as the main reason for not reporting. If continuance of residence is jeopardized by getting in touch with the police, even as a victim, it is sadly evident that these people are factually maneuvered into a defenseless position.

This clean list of relevant factors only offers a first step in understanding what is at stake here. What we really need is theories accounting for these "reasons" not to report crime to the authorities. Goudriaan has elaborated and empirically tested a number of models to accomplish this (Goudriaan, 2006).

According to the economic model, it is a balancing act of costs and benefits that will determine the reporting behavior of people who have suffered from crime. The costs involved are primarily the time and effort connected with reporting. Benefits are described in terms of expectations regarding the response by the police and the results thereof. The psychological model assumes that it is

## VICTIMOLOGICAL ASPECTS OF REPORTING AND NOT REPORTING CRIMES

emotions that will be decisive of whether a report will be made. Fear (for consequences), stress and previous experiences (with the legal system and elsewhere) will determine the outcome. Within this model, it is also assumed that there will be a significant influence by the direct social surroundings of the victim, for example, opinions of and advice given by family members. Then there is the sociological model. Here, it is more generally meso- and macro-level social structures and institutional factors that are relevant. Reporting behavior is supposed to be conditioned by the distribution of wealth within the society and the prevailing kind and type of social control within the community.

Goudriaan acknowledges all of these models as valuable starting points for further debate. However, further debate is necessary, because all of the models display serious limitations and none of them is capable of allowing us to fully understand reporting behavior. As a next step forward, she proposes a so-called socio-ecological model, which transcends the already-mentioned models and incorporates the variables that have been identified as playing a role. The end result is a theory which discriminates between factors at four different levels. First, factors concerning the crime: the nature of the offence, the seriousness of the incident, etc. Second, victim-related aspects: personal traits of the victim, prior experiences—particularly in connection with crime. Third, circumstances relating to the “context of the crime,” its location (public or private place) and whether it took place in a familiar environment or organization. And finally, factors regarding the “context of the victim.” Most important here is the question of whether there was a prior relationship between the victim and the offender.

To me, this looks like a rich model, accommodating a large range of concrete specific circumstances. These are the kinds of factors the victim is being faced with after a crime has occurred. The sum total of these factors will to a large extent determine his behavior toward those living closest to him, and, as an extension thereof, his behavior toward the police and related law enforcement agencies within the criminal justice system. I will now summarize a—non-exhaustive—list of relevant factors for which empirical evidence has been corroborated in international research.

In the first place, it turns out that the next of kin and other personal connections in their social living conditions are highly influential (amongst many others: Greenberg & Ruback, 1992). This finding corresponds with our intuition. When one is surrounded by persons who have a profound dislike of the police, it is unlikely to turn to that same authority for help to solve one's problems.

On a more abstract or macro-level, two factors have been exposed to play a significant role. One is the fact that non-reporting is apparently linked to societies accepting patriarchal values (Websdale, 1997). The other is that reporting

behavior is co-dependent (Soares, 2004).

Next, there is evidence for the neighborhood where the crimes to the police informal social control there is a larger number in place, there is less

Then there are the instances of the victim from than people victim (Kittrie, 2005). This indicates that it must be occurs.

A pair of interesting circumstances of the cases of domestic job of her own work of independence, Yet the actual situation effect of having a developing countries established. Where no evidence was found the third world or here is that we should The assumption that education—will be and hence to ease

What are the most: A significant police. It is obvious the insurance system is regrettable in violent and sexual system. It is exacting of victims Cases of violent victims. That do outlined above.

behavior is co-dependent on the level of corruption within government agencies (Soares, 2004).

Next, there is evidence of the level of socio-economic deprivation of the neighbourhood where the victim resides directly impacting on the propensity to report crimes to the police (Goudriaan et al., 2004). In a similar vein, the intensity of informal social control in the immediate living environment is important. When there is a larger number of effective informal mechanisms for conflict resolution in place, there is less need to solicit official government interventions.

Then there are the variables concerning the person and the personal circumstances of the victim. Immigrants tend to report less crime they have suffered from than people who were born and raised in their own country of residence (Kittrie, 2005). This sad finding speaks for itself. It does not need any explanation that it must be a substantial concern for any society where this phenomenon occurs.

A pair of interesting variables are the level of education and the labour circumstances of the victims. One would intuitively expect that, for instance, in cases of domestic violence both the presence of higher education and having a job of her own would lead to more skills, more self-confidence and a higher level of independence, all of which should be manifested in higher reporting rates. Yet the actual situation turns out to be slightly more complicated. The expected effect of having attained a higher level of education has been confirmed in developing countries, but in the Western world no significant correlation could be established. When it comes to the impact of the victim having a paid job herself, no evidence was found that it made a difference in reporting behavior, neither in the third world or in the first world (Laxminarayan, 2010). The lesson to be drawn here is that we should be careful to assume simple uni-dimensional causal links. The assumption that a paid position on the labor market—or a degree in higher education—will automatically lead to financial independence vis-à-vis the spouse and hence to easier access to justice is just one example to prove this.

What are the concrete implications of these research findings? First and foremost: A significantly high proportion of property crimes are being reported to the police. It is obvious that in many affluent countries this is heavily influenced by the insurance system. From a victimological point of view, this state of affairs is regrettable in at least two ways. First, the more serious and more damaging violent and sexual crimes are underrepresented in entering the criminal justice system. It is exactly in these cases, where the need for recognition and acknowledgement of victimhood is paramount, that access to justice is hardest to achieve. Cases of violent crime and sexual crime call for solidarity by society with their victims. That does not happen when they are neglected in the way that has been outlined above. The second reason why the current state of affairs is deplorable



## VICTIMOLOGICAL ASPECTS OF REPORTING AND NOT REPORTING CRIMES

from a victimological perspective is that the workload of the criminal justice system is now dominated by miniature cases. The overattention for property crime prevents appropriate care for victims of violent and sexual crime who have more specific needs.

### Conclusions and Recommendations

I now come to some conclusions and recommendations. The first one of these is that it is desirable to try to aim at increasing the reporting rate in appropriate cases in order to allow the victims to benefit from their rights in the criminal justice system. The qualifier "in appropriate cases" has been inserted to exclude cases of minor importance, cases that can be better dealt with in a non-legal environment and cases in which the victim has solid reasons not to turn to government authorities.

The second one is to develop policy to assist those victims who are either unable or unwilling to report the crime they have been subjected to. A simple yet effective tool could be to set up national telephone helplines to ensure that appropriate help and support is immediately accessible to victims (European Forum for Victim Services, 2001). The police could also play a prominent role in this respect. It would be advisable to provide the police with clear guidance on how to interact with victims before the moment the victim has decided whether to file a formal report. More generally speaking, international legal instruments on victims' right should include a separate section on police conduct vis-à-vis crime victims during all (pre-)stages of the criminal procedure. In the existing international protocols, including the most recent and most advanced ones (such as the 2011 EU Directive on victims' rights and the Draft UN Convention on victims' rights), any such section is conspicuously omitted.

There are other professionals besides the police who could and should have a more articulated role in this area. Health-care professionals should receive appropriate training to enable them to identify and treat the effects of crime. And structural links should be established between hospitals, general practitioners, social services and victim support services (European Forum for Victim Services, 2001). The same requirement for training holds for individuals who work in education. They should be trained to recognize when violence is occurring and be able to refer victims appropriately to specialist services (again EFVS, 2001).

The justice system itself could also be reformed in order to facilitate the number of reports to the police. The available opportunities to report through the internet could be further improved. And it should be possible—in appropriate cases—to report anonymously. In this context "appropriate cases" are defined in many jurisdictions as cases where serious crime is at stake and when there are grave concerns that the victim might be subjected to reprisals by the perpetrator.

Reporting crime to the status of (illegal) immigrants in different jurisdictions, reporting for state compensation

Access to justice. It is to be. Some obstacles have to be taken away forthwith before: It is fascinating (Groenhuijsen, 2013). Reporting rates is not only why? This has never been a league we honor today, exercise to amuse themselves, and it is not a ritual, it is a sincere effort

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ing crime to the police should never have a negative impact on the legal of (illegal) immigrants. And finally, contrary to current practice in many tions, reporting crime should not be acceptable as an eligibility criterion te compensation.

ccess to justice. It turns out to be less self-evident than we would have liked e. Some obstacles are inevitable and hence permanent. Other barriers can en away forthwith. I suggest we start doing so immediately. As I have said e: It is fascinating to be a victimologist in the first quarter of the 21st century nhuijsen, 2013, p. 330). Improving relevant (i.e., not indiscriminate) report- ates is not only a major intellectual challenge, but also a moral imperative. ? This has never been explained more aptly and eloquently than by the col- e we honor today in this *Festschrift*, when he wrote: "Victimology is not an ise to amuse the curious, it is not an activity to enhance the careers of schol- and it is not a ritual to soothe the conscience of politicians. In the final analy- t is a sincere endeavor to improve the human condition" (Dussich, 2003).

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